

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 13 of 22

### **REMARKS**

In response to the Final Office Action mailed October 18, 2007 (hereinafter "Office Action") and the Advisory Action mailed March 20, 2008 (hereafter "Advisory Action"), claims 29, 30, 32, 33, 36, 38, 41, 47-50 and 52-56 have been amended. Claims 1-28, 31, 34, 37, 39, 40 and 57 have been cancelled without prejudice or disclaimer, and claims 58-88 are newly added. Applicant is not conceding that the subject matter encompassed by claims 1-29 and 57 prior to this Amendment is not patentable over the art cited by the Examiner. Claim 29 was amended and claims 1-28 and 57 were cancelled in this Amendment solely to facilitate expeditious prosecution. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 1-29 and 57, as presented prior to this Amendment and additional claims in one or more continuing applications. Support for the instant amendments and new claims is provided throughout the as-filed Specification. Thus, no new matter has been added. Therefore claims 29, 30, 32, 33, 35, 36, 38, 41-56 and 58-88 are pending.

In view of the foregoing amendments and the following comments, allowance of all the claims pending in the application is respectfully requested.

### **Rejection under 35 U.S.C. § 103(a)**

Claims 1-3, 6-21, 24-31, 34-39 and 52-57 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,206,778 to Bode *et al.* ("Bode") in view of U.S. Patent Application Publication No. 2001/0049688 to Fratkina *et al.* ("Fratkina"). Applicant

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 14 of 22

disagrees with the propriety of this rejection. However, solely in an effort to expedite prosecution, Applicant has amended claim 29 to clarify some of the differences and broaden some aspects of the claimed invention.

Assuming arguendo that it were legally proper to combine and/or modify the teachings of Bode and Fratkina (which Applicant does not concede), the combination of Bode and Fratkina fails to disclose, teach, or suggest each and every feature of independent claim 29.

For example, independent claim 29 recites, *inter alia*, the features of:

**automatically monitoring**, via the first interface, a communication between a user associated with the remote client and at least one other individual;

**automatically filtering** one or more topic words appearing in the **monitored communication** that define a context or one or more key topics of the communication; and

**automatically searching the at least one data source** using one or more topic words to generate search results for information **relevant to the context or the one or more key topics of the communication**.

[Emphasis added].

Bode and Fratkina, either alone or in combination, do not teach or suggest *at least* these features. Bode teaches formulating subsequent searches based on an evaluation of search results in response to a user's query. [See Bode, Abstract]. Thus, as *conceded* by the Examiner, Bode fails to disclose, teach, or suggest monitoring "a communication *between a user* associated with the remote client *and at least one other individual*" [Final Action, pg. 4, *emphasis in original*]. For *at least* this reason, Bode also fails to teach "automatically filtering

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 15 of 22

one or more topic words appearing in the monitored communication that define a context or one or more key topics of the communication;” and “automatically searching the at least one data source using one or more topic words to generate search results for information relevant to the context or the one or more key topics of the communication.”

The Examiner alleges, however, that Fratkina overcomes the deficiencies of Bode. In particular, the Examiner alleges:

Fratkina discloses ... a communication *between a user* associated with the remote client *and at least one other individual* [Figs. 19-21] (e.g., Escalation causing a “live chat” type of interaction with a human to appear within the user’s web browser ...) [0225].

[Final Action, pg. 4, *emphasis in original*]

Applicant disagrees with this assertion and the conclusions inherent therein. Applicant is not merely claiming “a communication *between a user* associated with the remote client *and at least one other individual*.” Rather, independent claim 29, recites a number of steps, including, “**automatically monitoring**, via the first interface, a communication between a user associated with the remote client and at least one other individual.” Fratkina does not teach or suggest *at least* this feature. By contrast, Fratkina discloses a dialog engine that facilitates “an electronic interaction ***between a human being and a machine*** (computer or other device including for example a telephone or Personal Data Assistant).” [Fratkina, ¶ 42], ***emphasis added***].

Paragraph [0225] of Fratkina, which is relied upon by the Examiner, recites:

For example, escalate can cause a ‘live chat’ type of interaction with a human to appear within the user's web browser or other software client ***being used to***

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 16 of 22

***interact with the dialog engine.*** The escalate action can cause some or all of the dialog state information to be forwarded to the human service representative at the other end of the live chat, thus allowing them to provide higher-quality service by knowing what questions, follow-up, documents, etc., ***the user has viewed and chosen during the dialog interaction so far.***

***[Emphasis added]***

While the foregoing passage of Fratkina may disclose a communication between individuals (*i.e.*, the user and a human service representative), it appears that the human service representative is merely assisting the user in the user's interaction with the dialog engine. Further, just because Fratkina teaches that a 'live chat' type of interaction with a human may appear within the user's web browser or other software client, it does not follow that the dialog engine is monitoring the 'live chat'. Indeed, the relied-upon passage of Fratkina makes no mention or suggestion that the dialog engine monitors *any* communication between a user and the human service representative.

Instead, the dialog engine of Fratkina appears only to "[f]ind and route the human to an appropriate web service ... or human expert." [Fratkina, ¶ 44; *see also* ¶ 225 ("The escalate action can cause some or all of the dialog state information to be forwarded to the human service representative at the other end of the live chat, ...") and ¶ 14 (dialog engine provides "instructions to contact a human customer service representative")]. The human service representative appears to be able to converse with the user and manually interact with the dialog engine. [See, e.g., Fratkina, ¶ 225 ("... [the human service representative] provide[s]

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 17 of 22

higher-quality service by knowing what questions, follow-up, documents, etc., the user has viewed and chosen during the dialog interaction so far.”)].

Moreover, FIGS. 19-21 of Fratkina (which are also cited by the Examiner) appear to illustrate an exemplary analogy of a dialog that occurs when a person walks into a restaurant to order a meal. [See Fratkina, e.g., ¶’s [0038] and [0384]]. In particular, Fratkina specifically recites: “For the purposes of this example, assume that all service in this particular restaurant are provided by the present invention *with the help of robots* to deliver ‘documents’ (or dishes) to the customers” [Fratkina, ¶ [0384], *emphasis added*]. Thus, these figures and supporting disclosure are silent with regard to automatically monitoring a communication between individuals also.

Lastly, the Examiner alleges that:

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Bode’s invention with the above said feature, as disclosed by Fratkina, **for the motivation of providing a multi-step conversation-like interaction between a person and a computer or other device to refine and satisfy the person’s request for information [0005].**

[Office Action, pg. 4, **emphasis added**].

This conclusion, however, mischaracterizes Applicant’s claimed invention. Rather than “providing a multi-step conversation-like interaction **between a person and a computer,**” as suggested by the Examiner, Applicant’s claimed invention automatically monitors a communication between individuals, and automatically provides search results to topic words

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 18 of 22

appearing in the monitored communication that are relevant to the context or one or more key topics of the communication. As one non-limiting example, the claimed invention may provide search results related to communications between individuals in a business meeting. [See, e.g., Applicant's Specification, ¶ 10]. By contrast, Fratkina *teaches away* from Applicant's claimed invention. For example, Fratkina teaches a machine for eliciting information from a user to "giv[e] a human feel to the dialog [between a user and a machine]." [Fratkina, ¶ 13]. Indeed, "... when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious." *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395 (2007) (citing *United States v. Adams*, 383 U.S. 39, 51-52 (1966)).

For *at least* the foregoing reasons, the rejection of independent claim 29 under 35 U.S.C. § 103(a) over Bode in view of Fratkina is improper and should be withdrawn. Dependent claims 30, 32, 33, 35, 36 and 41-56 are allowable because they depend from allowable independent claim 29, as well as for the further features they recite. Claims 1-28, 31, 34, 37, 39, 40 and 57 have been cancelled and thus, the rejection thereof is moot.

Claims 4 and 32 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of Fratkina and in further view of U.S. Patent No. 6,976,018 to Teng *et al.* ("Teng"). Claims 5 and 33 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of Fratkina and in further view of U.S. Patent No. 7,185,001 to

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 19 of 22

Burdick *et al.* ("Burdick"). Claims 22, 23, 50 and 51 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of the Official Notice taken.

Assuming arguendo that it were legally proper to combine and/or modify the teachings of Bode and Fratkina, and that it were also legally proper to combine and/or modify the combination of Bode and Fratkina with Teng and/or Burdick (which Applicant does not concede), neither Teng nor Burdick, overcome the deficiencies of Bode and Fratkina with regard to independent claim 29.

For example, Teng, Burdick, and the Official Notice taken make no mention or suggestion of **automatically monitoring**, via the first interface, a communication between a user associated with the remote client and at least one other individual, much less **automatically filtering** one or more topic words appearing in the **monitored communication** to determine a context or key topics of the communication; and **automatically searching** the at least one data source for information **relevant to the context or key topics of the communication**.

For *at least* the foregoing reasons, the rejections of dependent claims 32, 33, 50 and 51 under 35 U.S.C. § 103(a) are improper and should be withdrawn. Claims 4, 5, 22 and 23 have been cancelled and thus, the rejection thereof is moot.

Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 20 of 22

**New claims 58-91**

New dependent claims 58-64 are patentable because they depend from allowable independent claim 29, as well as for the further features they recite. New Independent claim 65 recites, *inter alia*, the features of:

- automatically monitoring a communication between a user associated and at least one other individual;
- automatically filtering one or more topic words appearing in the monitored communication that define a context or one or more key topics of the communication;
- automatically searching the at least one data source using one or more topic words to generate search results for information relevant to the context or the one or more key topics of the communication; and
- automatically providing search results to said user.

New claim 65 is patentable for *at least* similar reasons provided above related to independent claim 29, as well as for the further features they recite. Dependent claims 66-88 are patentable because they depend from independent claim 65, as well as for the further features they recite.



Applicant: KRAENZEL  
Serial No: 10/736,848  
Filing Date: December 17, 2003  
Page: 21 of 22

**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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